

REMARKS

By this amendment, claims 1-20 are pending, in which claims 1, 2, 4-7, 9, 11, 15 and 17 are currently amended. No new matter is introduced.

The Office Action mailed June 15, 2006 rejected claims 1-3, 10 and 12-20 under 35 U.S.C. § 102 as anticipated by *Ziegler et al.* (US 5,765,893). Also, all the pending claims were rejected as indefinite under 35 U.S.C. § 112, second paragraph.

Applicants appreciate the indication that claims 4-9 and 11 would be allowable if the indefiniteness rejection were overcome.

In view of the claim amendment, the rejection under 35 U.S.C. §112, second paragraph, is believed to have been overcome, and no further rejection on that basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually satisfactory claim language.

As for the indefinite rejection of dependent claim 16, this claim recites “wherein said seat base is a seated portion of a seat originally provided in a car.” The Office Action, on page 3, states that the figures do not show this embodiment. However, Applicants believe the Specification fully supports this feature – e.g., page 10, lines 1-3 of the Specification. It is respectfully submitted that one of ordinary skill in the art would clearly understand how the loop portions can be formed as to extend from the vehicle seat.

With respect to the anticipation rejection, claim 1 recites “**a seat base for contacting a person in a sitting position within a vehicle**” and “**a pair of loop parts rising upward from both side edges of said seat base** along both sides of the sitting person, and receiving a waist belt part of a vehicle seat belt.” Independent claim 17 recites “**a seat base configured to contact**

a sitting person” and “a pair of loop parts rising upward from both side edges of said seat base along both sides of a sitting person, and receiving a waist belt part of a car seat belt.”

By contrast, *Ziegler et al.* discloses, on col. 4, lines 13-22, an infant safety restraint 10 that is detachably connected to an infant vehicle seat 11 having a seat portion 13 and a permanent base 12. Permanent base 12 is formed with **openings 14** for a seat belt to latch/slide through so as to enable the infant vehicle seat 11 to be fastened to a vehicle seat. FIG. 1 reveals that openings 14 are formed within permanent base 12, which cannot be equated to the claimed seat base (e.g., **“for contacting a person”**). That is, the permanent base 12 cannot contact the infant.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that *Ziegler et al.* fails to anticipate amended independent claims 1 and 17.

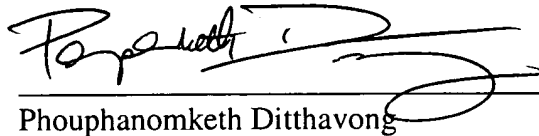
Further, claims 2, 3, 10-16, and 18-20, which depend correspondingly from allowable claims 1 and 17, should also be allowable for the reasons put forth for the allowability of their independent claims. Additionally, these dependent claims are allowable on their own merits. For example, claim 18 recites “wherein said loop part is formed of a **flexible** material.” The Office Action contends that because the loop 14 is made of plastic, the feature of a flexible material is satisfied. This conclusion presumes that all plastics are flexible, which is not the case, particularly the permanent base 12 of the infant seat. If this permanent base 12 were made of a flexible plastic, the car seat would be compromised, possibly dislodging the portable seat portion 13 during vehicle impact.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

DITTHAVONG & MORI, P.C.

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Date


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